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02
03 UNITED STATES DISTRICT COURT
04 WESTERN DISTRICT OF WASHINGTON
05 AT SEATTLE

06 DAVID KATHRENS,) CASE NO. C05-1831-JCC-MAT
07) CR03-515-JCC
08 Petitioner,))
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10))
11 v.) ORDER DENYING PETITIONER'S
12) MOTION FOR ENTRY OF DEFAULT
13 UNITED STATES OF AMERICA,) JUDGMENT AND RENOTING THE §
14) 2255 MOTION
15 Respondent.))
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On December 30, 2005, petitioner filed a Motion for Default Judgment (Dkt. 12), claiming that respondent's Answer was not filed within the 30-day time limit imposed by this Court's Service Order of November 21, 2005 (Dkt. 9). A review of the docket shows that respondent filed its answer on December 27, 2005. Therefore, this motion is DENIED as moot.

However, in filing its Answer, respondent failed to follow the Court's instructions that the Answer be treated as a dispositive motion and noted on the Court's motions calendar for four Fridays after filing. The Clerk has subsequently noted the Answer correctly for January 20, 2006, but to ensure there is no confusion on petitioner's part as to when his objection is due, the Court hereby RENOTES the §2255 motion for Friday, January 27, 2006. **Petitioner should note that his objection, if any, to respondent's Answer must be filed with the Court no later than Monday, January 23, 2006.**

The Clerk is directed to send a copy of this Order to petitioner, to counsel for respondent,

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01 and to the Honorable John C. Coughenour.

02 DATED this 3rd day of January, 2006.

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Mary Alice Theiler
United States Magistrate Judge

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